

From: [MacIntyre, Mark](#)
To: [Lowinger, Mahri](#)
Subject: FW: Flint Hills Refining press request form
Date: Thursday, August 28, 2014 4:16:00 PM
Attachments: [8-12-14 FHR Press-Public-Affairs-Request-Form svg edits.docx](#)
[EPA settles with Flint Hills Resources - RCRA Penalty DRAFT 1 08-28-14.docx](#)

From: Downey, Scott
Sent: Wednesday, August 27, 2014 3:45 PM
To: R10 Press Team
Cc: Chu, Xiangyu; Gallagher, Shirin
Subject: FW: Flint Hills Refining press request form
This case is moving along faster than originally thought. We expect the signed CAFO back any time now. Can we get someone assigned soon?

~~~~~

Scott Downey, Manager  
Air and RCRA Compliance Unit  
EPA Region 10, OCE-127  
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Follow @EPAnorthwest on Twitter!  
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**From:** Williams, Cheryl B.  
**Sent:** Tuesday, August 12, 2014 3:05 PM  
**To:** R10 Press Team  
**Cc:** Downey, Scott; Chu, Xiangyu; Gallagher, Shirin  
**Subject:** FW: Flint Hills Refining press request form  
Hello,  
We have reached settlement in agreement with the Flint Hills Refinery (North Pole Alaska).  
We expect that this case will be concluded (filed) by mid-September (no later than September 30, 2014).  
Details of the case may be found in the attached request for press support form.  
If you have any questions please contact either the case officer Xiangyu Chu or our Attorney Shirin Gallagher.  
Thanks,  
Cheryl Williams (on behalf of Scott Downey)

## Public Affairs & Press Request Form

For Public Affairs & Press support, complete and send to your Unit Manager & [R10\\_Press\\_Team@epa.gov](mailto:R10_Press_Team@epa.gov)

### Project Manager or Case Developer

Xiangyu Chu

### Unit Manager

Scott Downey

### Attorney

Shirin Gallagher

### Estimated Announcement Date

August 25, 2014

### Project Summary

Flint Hills Resources Alaska, LLC, North Pole Refinery

Violations of RCRA; settlement of \$80,000.

On June 19, 2013, Flint Hills Refining (FHR or Respondent) conducted groundwater remediation activities at the North Pole Refinery (Facility) that generated spent groundwater pre-filters containing iron sulfide. The spent groundwater pre-filters were disposed of by means of placement in a “roll off” container (dumpster). On June 20, 2013, at 12:20 am and June 22, 2013, at 8:49 pm the spent pre-filters self-ignited and caused two fires inside the roll off container. The fires required the assistance of the fire department to extinguish.

Respondent violated RCRA when it failed to make a determination that the spent groundwater pre-filters were a hazardous waste, and again when they failed to manage the materials as a hazardous waste. FHR failed to determine that the spent groundwater remediation pre-filters containing iron sulfide were ignitable and reactive hazardous waste.

When FHR disposed of a hazardous waste in an open dumpster, it failed to comply with the four conditions for storing hazardous waste without at a facility without a permit or interim status. The roll off container did not feature a lid. Therefore, the hazardous waste was stored in a container that was open at all times to the atmosphere. The roll off container was not labeled with the words “Hazardous Waste” and, therefore, provided no warning that the contents of the container was hazardous. The roll off container was not labeled with a hazardous waste accumulation start date to ensure that the waste was not stored on site for longer than 90 days. Finally, and most importantly, the hazardous waste was not managed by FHR in a manner so as to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste.

### Environmental Messages

Key ideas you want to tell the public about why this project is important to human health & environment

#### Message 1

It is critical that waste generators make a hazardous waste determination when the waste is first generated to ensure that wastes are appropriately managed and human and environmental exposure prevented. Two fires occurred because FHR failed to adequately determine that the ground water filters were a reactive and ignitable hazardous waste and therefore failed to manage the spent ground water pre-filters in a manner that was protective of human health and the environment. The iron sulfide paste on the ground water filters was pyrophoric, when the filters dried out they caught fire. Both times the fires were significant enough that the local fire department was called in to extinguish the fires.

## Message 2

The RCRA requirements applicable to the storage of hazardous waste by generators (keeping containers closed, labeling containers, and tracking accumulation time) are important to ensure that wastes are managed in a manner that protects human health and the environment.

### Message 3

The Resource Conservation and Recovery Act (RCRA) Hazardous waste program was designed by Congress as a preventative program with the primary goal of keeping hazardous waste out of the environment and protecting people from injury caused by such waste. Although no one was injured FHR failure to follow the preventative aspects of the RCRA program resulted in a demonstrable example of why a program such as RCRA is important.

## Contacts & Notifications

People that need to know about this news: managers, respondents, respondent's attorney, PRPs, other agencies, tribes

[illegible]

# Key Steps to Announce Your News

## 1. Program Request

2-3 weeks before your announcement or as early as possible:

### 1. Prepare a **Public Affairs Request Form**

- Send the completed form to your Unit Manager
- Your UM should review the form and send it to: [R10\\_Press\\_Team@epa.gov](mailto:R10_Press_Team@epa.gov)
- Review EPA Region 10's [Public Affairs & Media Communications Policy](#)

### 2. When we receive your request, the Public Affairs Team will:

- Assign your project to a Press Officer
- Notify you that your project is assigned, usually within the week

## 2. Communications Draft and Reviews

Within 1 week of assignment, the Press Officer will:

### 1. Talk with you to discuss, as needed:

- Project / case background and facts, i.e. consent agreement, permit, grant, schedule, event
- Stakeholders, interested parties, potential level of interest / controversy
- Key messages and tone - why is this action important to human health/the environment
- Possible communication tools - e.g. press release or media advisory, web, social media
- For help with an R10 web project, email your request to [R10\\_Web\\_Team@epa.gov](mailto:R10_Web_Team@epa.gov)

### 2. Press Officer will coordinate 1<sup>st</sup> draft review

- Communication Plan based on the information you have provided
- 1<sup>st</sup> draft news material/other communication tools for you to share with program staff
- Key reviewers are case/project manager and attorney
- Email subject: "[Name] Press Release – READY FOR CASE/PROJ MGR & ATTORNEY REVIEW"

### 3. Press Officer will reconcile initial comments into 2<sup>nd</sup> draft

- Next key reviewer is Unit Manager - cc case/project manager and attorney
- Email subject: "[Name] Press Release – READY FOR UNIT MANAGER REVIEW"
- Press Officer will also get peer reviews from Public Affairs Team

### 4. Press Officer will prepare final draft

- Key reviewer is Office Director - cc Unit Manager, case/project manager, and attorney
- Email subject: "[Project Name] Press Release – FINAL DRAFT READY FOR DIRECTOR REVIEW"
- Sensitive/hot announcements also need Ops Office/Public Affairs Director reviews

## 3. Issue News Announcement

1 day to 1 hour before news release

- Press Officer will review Communication Plan with you and spokesperson, as needed
- Team will confirm project web site updated, agreement filed, public notice published, etc.
- Press Officer confirms congressional and state notifications are completed by appropriate staff
- You, your case/project attorney, or the Press Officer will send a courtesy copy of our news announcement to key project contacts, e.g. respondent's or PRP's counsel, partners

News Release

- Press Officer sends news to media, external, and all internal contacts per Communication Plan
  - Press Officer shares media and external inquiries and coverage of the announcement
  - Press Officer and program spokesperson, if needed, will be available for news inquiries

## **EPA settles with Flint Hills Resources Alaska, LLC, for hazardous waste violations at its North Pole Facility**

(Seattle, Washington – September X, 2014) The U.S. Environmental Protection Agency has reached a settlement with the Flint Hills Refinery in North Pole Borough, Alaska, for alleged mishandling of hazardous waste generated during groundwater cleanup actions at the refinery.

On June 19, 2013, Flint Hills Refining (FHR) conducted groundwater cleanup activities at its North Pole Refinery (Facility) that generated spent groundwater pre-filters containing iron sulfide. The spent groundwater pre-filters were disposed of in an open “roll off” container (dumpster) where they soon self-ignited, causing two container fires. The fires required local fire department assistance to extinguish. The announced settlement includes a civil penalty of \$80,000.

According to Scott Downey, manager of EPA’s air & hazardous waste compliance unit in Seattle, for safety’s sake, waste generators are required to officially determine whether their waste is hazardous or not at the time of generation.

“In this case, two completely avoidable dumpster fires occurred because the facility’s hazardous waste was not properly handled and managed,” said EPA’s Downey. “Worker and responder safety can be jeopardized when ignitable and flammable wastes are not treated with required respect.”

In case documents, EPA alleges:

- FHR violated RCRA by failing to determine that the spent groundwater pre-filters were an ignitable and reactive hazardous waste, and then failed to manage the materials accordingly.
- FHR mishandled the filter waste by placing it in a roll off container that was not properly labeled “Hazardous Waste” and dated for storage (as required by federal law).
- FHR hazardous waste was not managed to minimize the possibility of a fire, explosion, or other mishap due to this hazardous waste’s unstable nature.